

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DWAYNE E. EGGERS,

Plaintiff,

v.

04-CV-1392

JO ANNE B. BARNHART, Commissioner of
Social Security,

Defendant.

THOMAS J. McAVOY
United States District Judge

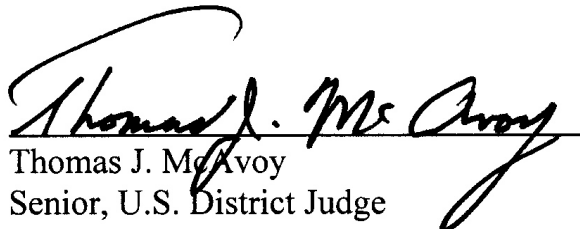
DECISION and ORDER

This matter brought pursuant to 42 U.S.C. § 405 (g) was referred to the Hon. David R. Homer, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

No objections to the November 29, 2006 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein and REMANDS the decision for further development.

IT IS SO ORDERED.

Dated: January 26, 2007


Thomas J. McAvoy
Senior, U.S. District Judge